

(B) impose sanctions under paragraph (3) with respect to any entity responsible for planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity.

(2) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—

(A) IN GENERAL.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (1)(A) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other entry documentation of an alien described in paragraph (1)(A) shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(II) IMMEDIATE EFFECT.—A revocation under subclause (I) shall—

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of an entity described in paragraph (1)(B) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(4) IMPLEMENTATION; PENALTIES.—

(A) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subsection.

(B) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subsection or any regulation, license, or order issued to carry out this subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(5) EXCEPTIONS.—

(A) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this subsection shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(B) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this subsection shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—Notwithstanding any other provision of this subsection, the authorities and requirements to impose sanctions under this subsection shall not include

the authority or a requirement to impose sanctions on the importation of goods.

(ii) GOOD DEFINED.—In this subparagraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(6) SUNSET.—The authority to impose sanctions under this subsection shall terminate on the date that is 5 years after the date of the enactment of this Act.

(7) DEFINITIONS.—In this subsection:

(A) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(B) UNITED STATES PERSON.—The term “United States person” means—

(i) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(ii) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity; or

(iii) any person within the United States.

(b) REPEAL OF NATIONAL INTEREST WAIVER UNDER PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.—Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) is amended—

(1) in subsection (a)(1)(C), by striking “subsection (i)” and inserting “subsection (h)”;

(2) by striking subsection (f);

(3) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively; and

(4) in subsection (i), as redesignated by paragraph (3), by striking “subsection (h)” and inserting “subsection (g)”.

**SA 4501.** Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. 1283. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.**

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.—

(1) DEFINITION OF COVERED TRANSACTION.—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022.”;

(B) in subparagraph (B), by adding at the end the following:

“(vi) Any gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, if—

“(I)(aa) the value of the gift or contract equals or exceeds \$1,000,000; or

“(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds \$1,000,000; and

“(II) the gift or contract—

“(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

“(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.”; and

(C) by adding at the end the following:

“(G) FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—For purposes of subparagraph (B)(vi):

“(i) CONTRACT.—The term ‘contract’ means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

“(ii) GIFT.—The term ‘gift’ means any gift of money or property.

“(iii) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

“(I) that is legally authorized within such State to provide a program of education beyond secondary school;

“(II) that provides a program for which the institution awards a bachelor's degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

“(III) that is accredited by a nationally recognized accrediting agency or association; and

“(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution's subunits.”.

(2) MANDATORY DECLARATIONS.—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: “Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).”.

(3) FACTORS TO BE CONSIDERED.—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

“(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and”.

(4) MEMBERSHIP OF CFIUS.—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

“(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.”; and

(B) by adding at the end the following:

“(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the

Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.”.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

“(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).”.

(b) INCLUSION OF CFIUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”; and

(ii) by striking “to the Secretary” and inserting “to each such Secretary”; and

(B) in paragraph (2), by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the “Committee”), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration and notice requirements, and implementing any

procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of “control”, as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

**SA 4502.** Mr. RISCH submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—AFGHANISTAN COUNTERTERRORISM, OVERSIGHT, AND ACCOUNTABILITY ACT OF 2021**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “Afghanistan Counterterrorism, Oversight, and Accountability Act of 2021”.

**SEC. 1702. FINDINGS.**

Congress makes the following findings:

(1) On April 14, 2021, President Joseph R. Biden announced the unconditional withdrawal of United States Armed Forces from Afghanistan after 20 years of conflict.

(2) United States troop withdrawals led to the rapid collapse of the democratically elected Government of Afghanistan, effectively ended prospects for a negotiated settlement, threaten to reverse the hard-earned rights of Afghanistan’s women and youth, and created dangerous sanctuary space for potential terrorist attacks against the United States and allies and partners of the United States.

(3) Under the terms of the peace agreement signed by the United States and the Taliban in Doha, Qatar, on February 29, 2020, the withdrawal of the United States Armed Forces was contingent upon the Taliban upholding its commitment to a reduction in the levels of violence, engaging in substantive talks with the Government of Afghanistan, and adhering to certain counterterrorism guarantees. The Taliban failed to meet its commitments.

(4) The Taliban’s rise to power and inability to control its borders may result in a safe haven for violent jihadist groups, like al Qaeda and the Afghan affiliate of the Islamic State group, ISIS-Khorasan (commonly referred to as “ISIS-K”).

(5) According to a May 2020 report of the United Nations, “The senior leadership of Al-Qaida remains present in Afghanistan, as well as hundreds of armed operatives, Al-Qaida in the Indian Subcontinent, and groups of foreign terrorist fighters aligned with the Taliban.”.

(6) According to the same United Nations report, “The Taliban regularly consulted with Al-Qaida during negotiations with the United States and offered guarantees that it would honor their historical ties.”.

(7) In November 2020, the Lead Inspector General for Operation Freedom’s Sentinel of the Department of Defense (in this section referred to as the “Lead Inspector General”) echoed similar concerns, noting that “members of al-Qaeda were integrated into the Taliban’s leadership and command structure”.

(8) In May 2021, the Lead Inspector General reaffirmed those concerns, noting that “[a]ccording to the Defense Intelligence Agency, the Taliban maintained close ties with al-Qaeda and was very likely preparing for large-scale offensives”.

(9) On September 14, 2021, the Deputy Director of the Central Intelligence Agency stated, “We are already beginning to see some of the indications of some potential movement of al Qaeda to Afghanistan.”.

(10) On August 14, 2021, the United States began an operation at Hamid Karzai International Airport to evacuate United States citizens and Afghans affiliated with the United States, an action which forced the North Atlantic Treaty Organization (commonly referred to as “NATO”) and allied countries to undertake similar operations.

(11) During the evacuation operation conducted in August 2021, United States allies, all of which had contributed soldiers and resources to the fight against the Taliban and terrorism in Afghanistan since 2001, assisted in the exfiltration of thousands of United